

SECTION 4 OVERVIEW

This section pertains to the policy and procedures necessary when an out-of-home placement of a child is imminent or has occurred.

CHAPTER OVERVIEW

This chapter pertains to the necessary activities when an out-of-home placement of a child is imminent or is needed immediately.

- 1.1 Mandate and Rationale
 - 1.1.1 Referral Source for Out-Of-Home Placement
- 1.2 Out-Of-Home Placement Service Evaluation
- 1.3 Policy Requirements Relating to Juvenile Court Referrals and Placements
- 1.4 Reasons for Recommending Placement
- 1.5 Factors in Recommending Out-Of-Home Care
- 1.6 Referring Families to Intensive In-Home Services

Attachment A: Assessment of Safety and Risk Factors in Recommending Out-Of-Home Placement

Attachment B: Child Welfare Housing Assistance

Attachment C: Resources to Prevent Placement

1.1 Mandate and Rationale

Each time a child is placed in out-of-home care the probability exists for the permanent loss of family relationships and the probability increases the longer the child remains in out-of-home care. The first and greatest investment in time and resources should be made in the care and treatment of children in their own home.

When intervention becomes necessary it should begin with the Children's Service Worker and family jointly developing a strengths-based assessment. A strengths-based assessment focuses on the family's strengths through relabeling/reframing behavior rather than focusing on problems. Operating from this perspective inspires hope, reinforces the family's own problem solving, and encourages family empowerment. The worker's skill in engaging the family in the strengths assessment will set the stage for a continuing and productive relationship with the family. During the assessment process, the family and the worker will identify all resources available to keep the family intact and prevent out-of-home placement. If the provision of these services, the assistance of natural helpers identified by the family, and other reasonable efforts made by the Division cannot ensure the child(ren)'s safety, a referral for protective custody and placement of the child(ren) is appropriate.

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| Related Subject: Chapter 1, of this section, Attachment C, Resources to Prevent Placement. |
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Before recommending out-of-home care the Children's Service Worker shall thoughtfully examine the following factors which may influence their recommendations:

- Personal standards and biases;
- Knowledge of cultural/racial/ethnic norms;
- The desired outcome for out-of-home care;
- The way the worker views and approaches families;
- The way the worker views the family's participation in service delivery;
- The way the worker perceives his/her role with families; and
- Willingness to share his/her power with families.

STOP - RE-EVALUATE WHAT MORE CAN BE DONE TO PREVENT OUT-OF-HOME CARE.

If the Children's Service Worker believes that his/her personal standards or biases and/or lack of knowledge/experience in a certain area may be unfairly influencing their recommendations, they should consult with their immediate supervisor.

Supervisors are responsible for the ongoing professional training and development of staff. This responsibility includes assisting staff to assess their abilities and limitations and to provide staff the opportunities to enhance their knowledge base and skill level.

If the provision of services and other reasonable efforts made by the Division cannot ensure the child(ren)'s safety, a referral for protective custody and placement of the child(ren) is appropriate. Hence, while the Division places great value on the family unit, the safety and welfare of the child(ren) must be the deciding factor in recommending out-of-home placement.

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| Related Subject: Attachment A, of This Section, Assessment of Risk and Factors in Recommending Out-of-Home Placement. |
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Throughout the entire intervention with a family, it is imperative that the Children's Service Worker explains to the child, in an age appropriate manner, and the parents each step of the process and why each step is happening. This is inclusive of the initial interview during the investigation, plans for placement, placement, treatment planning, permanency planning, court hearings, etc.

The following procedures are to be used as a guide for the Children's Service Worker in providing out-of-home placement to a child(ren) and family:

1.1.1 Referral Source for Out-of-Home Placement

The referral that initiates an out-of-home care placement may originate with a child abuse/neglect report, family/juvenile court, from an active Family-Centered Services or Intensive In-Home Services case and/or as a placement request by the child's parent/caretaker. Any of these may result in an emergency or planned placement.

1.2 Out-of-Home Placement Service Evaluation

NOTE: This process is to be followed any time transfer of the custody of the child to the Division is being considered, but has not yet occurred.

1. Involve, in the evaluation of the child, appropriate persons or agencies from among the following, but not limited to:
 - *a) Juvenile officer;
 - *b) Local school and health professionals;
 - c) Local mental health professionals;
 - d) Day care/foster care/residential care providers;
 - *e) Appropriate state agencies (DMH, DESE, etc.) (In most cases DESE would be working through the local school district);
 - f) Private practitioners knowledgeable of the child, programs or services appropriate to the child's needs; and
 - *g) Guardian ad Litem or CASA, where appointed.

*The participation of this individual must be requested in completing each child's evaluation.
2. Discuss concerns for the welfare of the child with the family. Advise the family that Intensive In-Home Services (IIS) is a resource that may be available to them, which could help prevent the out-of-home placement of the child. If the family indicates a willingness to participate in IIS, make a referral to the program.
3. Identify the service needs of the child through consideration of the child's functioning in the following areas:
 - a) Relationships with adults/authority, as well as peers;
 - b) Academic performance (IEP, if appropriate);

- c) Health - physical and mental (emotional adjustment);
 - d) Ability to tolerate closeness of family setting;
 - e) Self-image; and
 - f) Need for external controls.
4. Develop a plan for placement and services, using CS-1 and including input from child's family, given the service needs of the child. Submit this plan to the Permanency Planning Team and include the team's recommendation prior to submitting the Plan to the court.
 5. Obtain from the county director/designee certification that services/funding are available, if the Family Support Team (FST) recommends placement or services available through the Division.
 6. Develop an interim treatment plan if the placement and/or services recommended by the FST are not currently available because of lack of resources (financial, no provider, no openings, etc.). This plan would provide an available alternative until such time as the placement and/or resources can be provided.
 7. Request relief of custody from the juvenile court if the Division determines, after completion of the above evaluation process, that the child placed in its custody is in need of care or treatment other than that which it can provide.

1.3 Policy Requirements Relating to Juvenile Court Referrals and Placements

Referrals to the juvenile court, to gain assistance from the court, may be made at any time throughout the case life to gain assistance from the court. The Children's Service Worker shall obtain supervisory approval prior to making court referrals.

If the placement is an emergency, the court shall be requested to indicate in the court order that lack of preventive services was reasonable in light of the emergency circumstances.

NOTE: If the primary reason for removal is due to homelessness or substandard housing, and the child could remain at home safely if adequate housing is located, the family should be considered for Child Welfare Housing Assistance (CWAH).

Related Subject: Attachment B, of this chapter, Child Welfare Housing Assistance.

Referrals that recommend out-of-home care shall be made if the safety and risk assessment indicates the child(ren) is in danger if he/she remains in the home. In these referrals, the Children's Service Worker shall request a judicial determination be made

that the provision of services provided met the “reasonable efforts” criteria and could not prevent the need for placement of the child. Reasonable efforts to maintain the child with his/her family include the consideration for and/or referral of the child's family to IIS.

Referrals for IIS will be immediately considered for all families whose children enter out-of-home placement during emergency situations.

NOTE: No child shall be removed from the care of the family without authority of the juvenile court or protective custody being taken by law enforcement or a physician (section 210.125 and 211.031, RSMo).

1.4 Reasons for Recommending Placement

Although it is the legal responsibility of law enforcement, juvenile officer, or physician to determine when protective custody is necessary, Children's Division (CD) staff should provide their professional opinion to the official making such a determination.

The reasons for requesting protective custody are found in the Missouri Law Handbook section 211.031, RSMo. Briefly these include:

- The child is in need of care and treatment because the parent(s) has neglected him/her or refused to provide proper support, education, medical, surgical, or other care required by law;
- The child is otherwise without proper care, custody or support;
- The behavior, environment, or associations of the child are injurious to his/her welfare or that of others; or
- The child is charged with an offense not classified as criminal if committed by an adult (status offender).

Additional authority to secure "protective custody" of a child is found in section 210.125, RSMo. Briefly this is:

- Twenty-four (24) hour protective custody may be taken by a juvenile officer who has cause to believe the child is suffering from illness or injury, or is in danger of personal harm in his surroundings and that a case of child abuse or neglect exists and the threat of harm to the child may occur before a court can issue a court order assuming protective custody; or
- Twelve (12) hour protective custody may be taken by a police officer, law enforcement official or a physician who has cause to believe the child is suffering from illness or injury, or is in danger of personal harm and a case of child abuse or neglect exists and the threat of harm to the child may occur before a court can issue a court order assuming protective custody.

1.5 Factors in Recommending Out-of-Home Care

The Children's Service Worker and supervisor shall determine, through assessment and evaluation of the child and the family, that a referral to the juvenile court is necessary to protect the physical/emotional well-being of the child.

Referrals for IIS must be made for all families except in the following situations:

- When a child cannot be adequately protected during the referral and assessment process and must be removed on an emergency; or
- When all caregivers have indicated that they will not cooperate with IIS.

Related Subject: Section 3 Chapter 7, Intensive In-Home Services.

The following factors should be considered when determining the need to make a referral to the juvenile court for removal of the child from the home:

- Safety Assessment or Safety Reassessment determination

Related Subject: Section 2, Chapter 5, 5.4. Assessment of Safety; Section 2, Chapter 5, 5.5 Assessment of Risk.

- Is the child in immediate danger or living in hazardous conditions that cannot be immediately remedied and may result in serious bodily harm;
- Is a crisis situation occurring which results in the temporary inability of parent(s) to give adequate care to the child;
- Do conditions of gross physical, emotional neglect, or abuse exist which cannot be immediately remedied or significantly reduced, or which can be expected to result in significant harm to the child;

Related Subject: See additional factors in this chapter, attachment A, page 6, Assessment Of Risk And Factors In Recommending Out-Of-Home Placement.

NOTE: Serious danger or harm to the child should result in a recommendation for immediate placement.

Related Subject: Chapter 2.2.1, of this section, Emergency Placement and Chapter 5, of this section, Placement/Replacement of the Child.

- Is the strength of parent/child relationship so poor that the parent is providing inadequate support and guidance to the child;
- Is the mental and/or physical capacity of the parent(s) of such a nature that improving parenting skills to a minimally acceptable level becomes an extensive time-consuming process which interferes in the child's normal growth and development. Are community resources non-existent that could substitute for or mediate the parent's care;
- Have all appropriate and available community/agency resources been offered to the family to prevent placement;
- Does the child have special needs that cannot be met if the child remains with the parent(s);
- Do problems reoccur which affect the well-being of child and interfere frequently with his/her growth and development;
- Has the parent(s) requested out-of-home care placement? Does evaluation of this request confirm the plan to be appropriate; or
- Has the Division made the required diligent and reasonable efforts to maintain the child in his/her own home.

1.6 Referring Families to Intensive In-Home Services

Referrals to IIS will be immediately considered for all families whose children enter out-of-home care placement during emergency situations.

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| Related Subject: Section 3, Chapter 8, Intensive In-Home Services. |
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MEMORANDA HISTORY: CS03-51